IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2087 OF 2006

Kulmeet Sarup Saggu
A/411, Usha Nagar,
Village Road, Bhandup(w),
Mumbai-400078 .. **Petitioner**

Versus

1. **The State of Maharashtra**
2. **The Superintendent,**
   Nashik Road Central Prison,
   Nashik Road.
3. **The Deputy Inspector,**
   General of Prisons,
   Central Region, Harsul,
   Aurangabad. .. **Respondents**

Mr. N.N. Gawankar with Mr. Arfan Sait for the Petitioner
Mr. A.S. Gadkari APP for the State

CORAM : S.B. MHASE,
& S.R. SATHE, JJ.
DATED : 16th NOVEMBER, 2006

ORAL JUDGEMENT :- (PER S.B. MHASE,J.)

Rule returnable forthwith.

Petitioner is convicted in Sessions Case No.222/1994 by order dated 07/02/2004. He has been sentenced to suffer 7 years R.I. for the offence under section 489 of IPC. He is in jail since 07/02/2004.

From the date of conviction, he is in jail and on 16/01/2006, he made an application for furlough since he has completed period of 3 years.

The said application is rejected by the Respondent No.3 DIG of Prisons, Central Jail, Aurangabad on the ground that Petitioner is trying to come out of the jail by giving various reasons as that of the illness of his father or of his wife and/or to see his children and that the department is suspicious about the object and intention of the petitioner.

It is further observed by the DIG that petitioner is likely to go out of the country or likely to go underground and therefore, his application is rejected.

In fact for getting a furlough, no reasons are required. Furlough is a right of accused person after completing a particular period of imprisonment and therefore, observations of the Respondent No.3 that he is trying to come out of the jail under the pretext of the illness of his father or his wife and to see his children is irrelavent consideration.

So far as the possibility of the petitioner running away from the country and/or going underground is concerned, that apprehension is not based on any objective. Facts and assurances whatsoever it may be,

unless its objective, material can not be a good ground to reject furlough. Apart from that precaution can be taken by imposing appropriate conditions on Petitioner during the period of furlough and therefore we find this is a fit case to grant furlough.

The Petition is allowed. Respondent No.3 is directed to grant a furlough for a period of two weeks from the date of his release from the jail. However, the said furlough shall be granted on following conditions :-

That the Petitioner shall submit solvent surety bond of Rs. 50,000/- except and apart from his mother.

Secondly, the Petitioner shall submit the passport with the respondent No.3 and for the said purpose, Petitioner may collect the passport which he has submitted to Regional Passport Authority and submit it to the Respondent No.3. The Petitioner shall disclose his address during the period of furlough to respondent No.3 and that petitioner shall stay during the furlough period at address A/411, Usha Nagar, Village Road, Bhandup(W), Mumbai-400078. The Petitioner shall report to the Police Station, Bhandup every day between 4 to 6 pm.

On compliance of these conditions, the Petitioner may be released on furlough.

Petition accordingly disposed of.

(S.R. SATHE, J.) ***(S.B. MHASE, J.)***